



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

APRIL 14, 2009

PRESENT: Acevedo, Koepp-Baker, Escobar, Lyle, Mueller, Tanda

ABSENT: None

LATE: Moniz, who arrived and was seated on the dais at 7:02 p.m.

STAFF: Community Development Director (CDD) Molloy Previsich, Director of Public Works (DPW) Ashcraft, Planning Manager (PM) Rowe, Deputy Public Works Director (DPWD) Bjarke, Senior Civil Engineer (SCE) Behzad, OES Coordinator (OESC) Ponce, and Minutes Clerk Johnson.

Chair Koepp-Baker called the meeting to order at 7:00 p.m., inviting all present to join as she led the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda.

Noting that none in attendance expressed a wish to address items not appearing on the agenda, the public hearing was closed.

MINUTES:

**MARCH 10,
2009**

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MARCH 10, 2009 MINUTES WITH THE FOLLOWING REVISIONS:

Page 2, last paragraph (disclosure): ... *having been contacted by the School Principal a principle of the management firm, Gloria Pariseau*

Page 2, last line: ... *asking for if*

Page 3, paragraph 6: Ms. ~~Walton~~ *Vasquez*

Page 4, paragraph 2: ...she ~~live~~ *lives a* couple...

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Page 4, paragraph 6: ... school ~~at no queue~~ at dismissal

Page 4, paragraph 9: ... traffic study ~~for~~

Page 5, paragraph 12: ...regarding the ~~length of time~~ **number of cars**

Page 8, line 5: through the City so ~~all intersections graded~~ **no intersections will be at grade.**

THE MOTION PASSED (6-0-1-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE.

PUBLIC HEARINGS:

1) SAN JOSE TO MERCED HIGH-SPEED TRAIN PROJECT Information regarding the proposed project level Environmental Impact Report /Statement for the San Jose to Merced Section of the High-Speed Train System.

PM Rowe reviewed the request from Commissioner Tanda made at the March 10 Planning Commission meeting when the report on the environmental effect prepared for high speed rail sections relating to the City had been discussed. Questions from that prior meeting and those received by staff preceding this meeting had been forwarded to staff of the High Speed Rail Authority for this evening's meeting.

Gary Kennerley, Regional Manager for Merced-San Jose section of the Authority, presented an overview for the Commission, outlining the status and level of the project, including work on the environmental assessment. Mr. Kennerley addressed:

- this is a cost effective way for increasing regional transportation method to a State level
- preferred alternatives for high speed and routes and (at state level) how get high speed from the valley to the coast (via Pacheco Pass from central valley)
- updated business plan completed at end of 2008
- current work on environmental assessment documents (CEQA) , utilizing known the elements of comparable levels of service in use in Europe and Asia {he emphasized there have been no fatalities on those tracks; systems are very safe}
- speeds will be up to 220 mph; further north may have reduced speeds
- the approved Bond measure sets the route as Los Angeles>>Pacheco Pass>>San Francisco as a priority phase
- later routes are joining Sacramento and San Diego to the system
- San Francisco to Los Angeles travel time will be 2 hours and 45 minutes; so must be high speed
- plan is for Morgan Hill: Monterey Highway corridor to San Jose

Mr. Kennerley explained the rationale for the project level environmental assessment, saying, "This program looks at state issues as a whole, but the project level looks at local impacts. We will be working with stakeholders, then take the facts to the public for input, and ultimately seek project approval from the State and Federal authorities. In 2009, public scoping will be completed, then the alternatives analysis will go to the public. Following which identified alternatives will be noted, then work completed on the environmental assessment and technical studies with the draft environmental assessment

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ready for presentation in 2011. Actually, the scoping process has just been completed and we now propose getting that to the public. Then the environmental assessment ideas and key concerns plus any alternatives can be developed. Comments are still coming in and responses will be completed within the next month or so. Then we will be identifying viable alternatives followed by the draft alternative analysis for presentation to the public. Gathering responses to those presentation, the analysis and assessments will be refined and an alternative scoping report prepared.”

Mr. Kennerley went on to discuss:

- basic alternatives>>>preferred alternatives, including least damaging environmental assessment alternative
- looking at all alternatives through Morgan Hill for least environmental assessment damaging impacts
- need to look at station locations (there will be no station in Los Banos)
- consideration of maintenance, facilities locations
 - ° depth and scope of environmental assessment analysis
 - ° quiet areas versus full range
 - ° pre-scoping areas
 - ° urban noise
 - ° cohesion of neighbors what will happen to property

Mr. Kennerley remarked that the decision makers and all workers were aware of the sensitivity of Coyote Valley. “The decision makers of the authority and staff have received many hundred of comments for suggestions of alignment of the system,” he said. Mr. Kennerley then continued by speaking to the issues of right of way requirements and land use.

Turning to questions forwarded from Morgan Hill staff and the Planning Commissioners, Mr. Kennerley spoke to:

- the final design-maker (decision-maker for the route) will be the High Speed Authority in conjunction with the Federal Railroad Administration, following considerable public outreach process
- criteria for location and design decision where tracks need to go; high speed turns require a five-mile radius (European and Asian models are used for guidance)
- cities will get ‘best fit’
- planned route for Morgan Hill - alternative to downtown; City has requested looking at other considerations[that will occur in the initial screening]

Commissioners asked questions and discussed with Mr. Kennerley:

- ◇ potential for tunneling through Morgan Hill for a route; Mr. Kennerley advised that a ‘true tunnel’ might not be option, but a covered trench may be considered and will be studied
- ◇ why the Authority’s staff had selected the preferred corridor rather than going alongside Highway 101? [The chosen route meets the criteria; 101 is curvy and trains would have to move side to side]
- ◇ Authority staff looked at the whole corridor rather than individual cities and locations;
- ◇ looking at alternatives continues

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- ◇ hope for a shared route with CalTrain
- ◇ Authority staff is right now designing the system to 'full speed' (220 mph)
- ◇ reason for amount of space needed for turns

Commissioner Mueller asked for clarification regarding the environmental assessment, e.g., once the reviews are completed, there will be a shared decision making with Federal Railroad Administration? Mr. Kennerley responded, "That is true for the final decision." He went on to remind that the High Speed Rail Authority is the chief decision maker for the State, but with the bottom line for funding, the Federal Railroad Administration is the final decision maker. Commissioner Mueller then asked about eminent domain. Mr. Kennerley explained that both the Federal and State government have the authority to use that process.

Commissioner Moniz asked about aerial structures through urban areas, including Morgan Hill. Mr. Kennerley said, "We will try to respect local criteria, which we basically assume to be 17 - 18 feet." Commissioner Moniz asked about placement of columns for the elevated structure, with that figuring into the total space for the corridor, which was determined to be 'roughly 40-ft wide'. Commissioner Moniz continued, asking about noise and vibration levels. When answering, Mr. Kennerley spoke to the difference in elevation(s) and at grade as he explained:

- international standards are set at 90 decibels >> Authority staff is basing studies on 50 decibels for the train now
- trains will be generating noise levels of 80-85 decibels at full speed
- Federal Railroad Administration guidelines will be followed

Mr. Kennerley reminded that the methodology used was available on the High Speed Authority web site.

Commissioner Acevedo highlighted the need for further discussion of the higher decibels, asking, "How long can the train be heard at peak time runs?" Mr. Kennerley responded, "A few seconds. Our analysis takes equalized level perception rather than true measurements." Commissioner Acevedo then asked about the schedule of runs? Mr. Kennerley explained, "The peak times of 6 - 9 am and 6 - 9 pm will see 9 - 10 trains from each direction. Right now we are going through updated rider ship projections, so eventually that number could be increased, ~~so perhaps there would be a total of 24 trains per day ...~~ **18 - 20 trains each peak hour (9 to 10 each way per hour) from 6:00 to 9:00 & 16:00 – 19:00, plus perhaps 14 in the non-peak hours (7 each way per hour). So the daily total number of trains could be in the range of 252 to 260.**" Further responding to questions from Commissioner Acevedo, he said the trains could be anticipated to be 1,030 feet long during high peak times and during off peak, slightly under 700 feet.

Mr. Kennerley also noted that at high speed the train would sound like "whoosh" with an aerodynamic speed much as there would not be contact of impact with steel on steel. The effect will result in smoother wheels and those wheels will be checked weekly. He compared the planned system with that of the Spanish HGV at 117 mph. Commissioner Mueller suggested use of the Authority's web site for train sounds as well as the criteria for initial screening.

Commissioners asked questions regarding:

- track size and placement of the corridor

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- hours of service [mostly early { will start from Los Angeles at 5 AM; arrive in San Francisco 2 hours and 45 minutes later) and late PM]
- potential for freight [to be studied in the future]
- ground level; might see 60 feet minimum for double tracks plus space for maintenance, drainage
- space (distance) along right of way not determined yet

Commissioner Mueller spoke to the need to plan for dealing with emergencies between stations. Mr. Kennerley said, "Staff has not determined spacing yet."

Commissioner Lyle asked about the 'trench option': how the evaluation will be done, what is the possibility of such placement? Mr. Kennerley said, "Trenching requires a wider footprint which results in being much more disruptive for construction. In Morgan Hill, we looked at an elevated structure, and concentrated work on other issues."

Commissioner Lyle continued by asking how Authority staff evaluates esthetics: visual as well as noise. Mr. Kennerley said, "We are considering that in the environmental assessment where we address and explain the visual and noise criteria."

Commissioner Tanda asked for further explanation of the technology the wheel/rail contact is based on. Following the clarification by Mr. Kennerley, Commissioner Tanda expressed support for that technology, acknowledging, "That is proven technology and the way to go. It also reduces risk of tax payers' dollars." Mr. Kennerley said the Authority staff had concentrated on technology use for that very reason. Commissioner Tanda asked other questions regarding

- ♦ right of way needed; additional space needed
- ♦ tracks only in 'each direction' [there will be four tracks only at station locations]

Commissioner Tanda observed that he had been reading that some Cities on Peninsula, e.g., Palo Alto, were insisting on having Authority staff study the potential for tunneling. Mr. Kennerley said Morgan Hill City officials have asked to have the same study done here. "Within reason," he said, "adjacent sections can be studied for vertical options and we are also open to looking at the Highway 101 corridor again."

Commissioner Acevedo inquired, "With 101 being curvy, what about the elevations that are being studied?" Mr. Kennerley responded, "We see a maximum of 2 ½ % elevation with the intersections posing constraint connections, and the need for some leveling with cut and fill."

Commissioners discussed with Mr. Kennerley:

- if there could be a suggestion of derivation to 101 which could bypass Morgan Hill?
- if there was really need for a five mile radius for turning turn

Mr. Kennerley explained that the current design criteria for 250 mph is set and suggested variants would depend on constraints and impacts, but promised, "We will look at your requests."

Chair Koepp-Baker spoke to the issue of travel time, then asked, "If you go to different alternatives rather than now, how would those changes affect the requirement travel from

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San Francisco to Los Angeles in 2 hours 40 minutes?" Mr. Kennerley divulged that Authority staff must look at that when considering all modifications. "We actually are encouraging decreasing that time by studying if the Pacheco Pass may see a shorten route, distance-wise somewhat. Recall that only one part of the design criterion is the San Francisco - Los Angeles route."

Commissioner Lyle brought up the issue of a 'major impact on business and homes' along the route, and asked, "What is Authority staff looking at for as mitigation? Here in Morgan Hill it appears there are many disadvantages with few advantages. What is the impact to homeowners and businesses?" Mr. Kennerley provided an overview of the Community Impact Study Assessment, saying the issues raised will be addressed together with impacts of the land use study. "We are looking at 6 months for the study completion. Our time line includes: 2011 - environmental assessment circulation and the completion of the mitigation monitoring plan at the end of 2011, and early project approval in 2012."

Commissioner Mueller referenced the experience with the Coyote Valley Environmental Assessment. "This is at least as complex as that environmental assessment with many comment received. The result was lengthy. You seem to want to go from draft to final in a year. Is that possible?" Mr. Kennerley responded, "Yes, as long as we do good job of studying the alternatives."

Having concluded explanation and discussion of this matter for the present time, the Commissioners graciously thanked Mr. Kennerley for attending the meeting.

2) EMERGENCY OPERATIONS Information item on the City's Office of Emergency Services and the Santa Clara Valley Water District's emergency planning relating to Anderson Dam.

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ANDERSON DAM PM Rowe presented a brief staff report, noting this item had been requested by Commissioner Acevedo to be placed on the agenda as he had referenced a January media account of 'what might happen in a worse case scenario should the Anderson Dam experience destruction from an earthquake.

Emergency Services Coordinator Jennifer Ponce was present to address the Commissioners and provided an overview with salient points provided:

- in the unlikely event Anderson dam would fail, first responding agencies would notify the public through loudspeaker systems and by going door to door
- explanation of the current emergency notification system, including information on
- emergency routes
- background of the overall Emergency Services Plan, the draft of which is now being review (direction having been provided by City Council action in 2006)
- Emergency Services Plan consists of a set of emergency instructions specific to identified potential emergencies









OESC Ponce advised that there are few experts for mass evacuations in the State, so the CA Office of Emergency Services will review and critique the Plan on finalization.

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OESC Ponce noticed work being completed in correlation with the Santa Clara County Water District, making the City's Plan specific in the event of failure of the Anderson Dam. Precise items in the Plan include:

-  emergency operations center in the Police Department, with several agencies coordinating management of the event (the system was activated with the recent event when communication lines were down as well as in January 2008 when the downtown had flooded)
-  continuous updating of the Plan
-  interaction with County, Region, State, and ultimately Federal EMS programs
-  system for early notification for Anderson Dam failure [similar to reverse 911 (San Diego County)]
-  Citizen notification by cell phone, e-mail, and land lines (registration available on City web site)
-  Anderson Dam safety status summary provided
-  Santa Clara Water District comprehensive study of dam underway (could take up to a year for completion)
-  City and County have reasonable plans for notification in event of failure of the Anderson Dam

Commissioner Mueller asked, "How long would it take to have the water reach the City following a breach of the Dam, and how deep would the water be at the police station?" DPW Ashcraft was asked to address the question. "The depth of the water at the Police Station would be over 20-feet in the event of a total dam failure, and with the dam being full." To which Commissioner Mueller commented, "If there was that type of emergency the loud speaker would inoperable and the EMS would also be gone. Where would help be available?"

PM Rowe advised of experiences with a toxic spill along the railroad, when the County EMS was temporary obtainable. "There are also other items available immediately," he said, "such as the Cisco Systems mobile communications coordination which they brought in during the recent communication outage emergency."

Responding to a question from Commissioner Mueller, OESC Ponce told of the study for potential emergencies, and how the Plan was being built from those identifying factors.

Commissioner Escobar told of having just completed a coordinated training session whereby many of the factors being addressed in this meeting were being synchronized through Federal and State agencies. "They are identifying alternate planning for locations," Commissioner Escobar said. "When we have inundation maps, there may be need to have multiple scenarios addressed. It appears that one essential to success will be to have coordinated effort before hand. There are other catastrophic events to be planned for, such as an earthquake. I find that we have a lot of Cities, the County, and such agencies as VTA have many resources which they are willing to share for potential impact Remember, an aftermath must be considered as well."

OESC Ponce stressed the importance of having so many collaborative efforts now working together. "They are working well together, with many mutual aid agreements in place," she said.

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Commissioner Mueller remarked, “We ought to have information posted on the City web site – it would be a good education tool.”

Chair Koepp-Baker commented, “This emphasizes the importance of information sharing.”

Commissioner Escobar advised, “When we are looking at the Office of Emergency Services, we must recognize that while there are limited resources, there is a lot of information available. It is important to identify and coordinate that information.”

Commissioner Tanda asked if there were a warning siren which could be heard throughout the City? [Previously there had been, but it is ~~not viable~~ **currently inoperable**.] Discussion ensued regarding the renewed focus on promoting El Toro as a high point location for safety.

Commissioner Lyle led discussion regarding the Santa Clara Water District web site where inundation map can be viewed.

Commissioner Mueller suggested an ‘emergency section’ on the on front page of the City’s web site with links to emergency service and information.

OESC Ponce advised that the Morgan Hill Unified School District is required to have an emergency plan, including evacuation routes, in place.

Other concerns/issues brought forth by the Commissioners included:

- ♦ indoors alert, e.g., testing of horn
- ♦ tsunami warnings systems (OESC Ponce to check on)
- ♦ need for family reunification plans

OESC Ponce was soundly thanked for the presentation by the Commissioners.

3) UP-09-02: SAN PEDRO- T-MOBILE

A request for approval of a Conditional Use Permit to legalize an existing wireless service provider. As part of the approval the applicant is requesting to replace 3 panel antennas and install additional equipment to the existing site. The site is located at 235 San Pedro Ave and is in a Light Industrial zoning district.

PM Rowe presented the staff report, noting the equipment had been on the site since 1995. “However,” he said, “this request is to replace the existing equipment with new panels so findings are required.” PM Rowe then gave an overview of the findings, and identified the ways to meet each.

Disclosure: Chair Koepp-Baker had visited the site and reported she found ‘nothing offensive’.

Chair Koepp-Baker also called attention to Exhibit A, Condition #10: shared space with City emergency services.

Chair Koepp-Baker opened the public hearing.

Leah Hernikl, 410 Clubhouse Drive, Aptos, was present representing the applicant, T-

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Mobile, and offered to answer questions.

Having noted no others present to speak to the matter, the public was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE USE OF TELECOMMUNICATIONS ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS FOR WIRELESS COMMUNICATION SERVICES AT 2353 SAN PEDRO AVE. COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

4) ZA-09-03: AMENDMENTS TO DESIGN REVIEW ZONING CHAPTER 18.74 AND TO CHAPTER 2.56 AND OTHER SECTIONS OF THE CITY OF MORGAN HILL MUNICIPAL CODE IN ORDER TO CEASE THE ARCHITECT- URAL REVIEW BOARD

Repeal of Chapter 2.56 and Amendment to Chapter 18.74 to remove Architectural Review Board (ARB) and to shift design permit (architectural and site review) authority to staff; and amendments to modify and clarify requirements and procedures related to review and action on design permits, including extensions and modifications of permits. Amendments to other sections of the Municipal Code to substitute "Community Development Director" in place of "Architectural Review Board".

CDD Molloy Previsich presented the staff report, noting this item had resulted from the City Council directive as part of budget reduction effort. By eliminating the Architectural Review Board, it would also reduce monies required and streamline future items for the public.

CDD Molloy Previsich then reviewed the items connected with this item:

- repeal Chapter 2.56, with changes (amendments) to Chapter 18.74.
- design review process will be through a permit process (for minor design changes); and through Community Development Department staff
- change in fee structure with a review of the fee process
- major modifications will be reviewed by staff and heard by the Planning Commission, which will require noticing for public hearings with a 10 day advance notice and postings; no specific/set times for hearings but as staff prepares completed permit applications (as needed basis)

CDD Molloy Previsich emphasized that extensions can be acted on Administratively even those previously approved by the City Council and/or Planning Commission for one year at a time. Following discussion, **IT WAS AGREED BY CONSENSUS OF THE COMMISSIONERS PRESENT – AND NONE WERE ABSENT – TO RECOMMEND THAT THE END DATE FOR SUCH BMR REDUCTION EXTENSION WOULD BE SEPTEMBER 30, 2010** (which is concurrent with the extension date previously declared).

CDD Molloy Previsich continued by addressing the fact that can be approved by CDD staff or if staff determines a public hearing is warranted, that *such* matters as *design permits* will be sent to the Planning Commission and/or City Council in a public meeting. Further, she said, other changes were noted, and including fencing heights, etc., which would automatically be sent for Planning Commission hearing.

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Commissioner Lyle called attention to Chapter 18.74.030, where language change is proposed, and asked if a project goes through RDCS, how would those cases be handled? CDD Molloy Previsich responded, "Usually those projects have a development agreement which would trigger certain actions and timeframes," she said. CDD Molloy Previsich also reminded of the language 'the Community Development Director could decide to refer items to the Planning Commission and/or the City Council.

Other items/issues discussed included:

- pruning of trees; new language does not really indicate how process accessed
- minor exceptions approved by Community Development Director
- Code to 'fall back on' if lack of ability to proactively enforce new items
- function of planned development in achieving goals
- impact on Planning Commission agendas {minimal as few appeals now from ARB actions}
- appeals go to Planning Commission exclusively

Commissioner Mueller questioned the removal of archeological reference, asking, "Why?" CDD Molloy Previsich responded, "This new ordinance refers to Historical Resources, and with the deletion of the previous, there is no longer archeological significance, just a Code reference."

Commissioner Mueller said, "It would make sense on an annual basis at a Planning Commission meeting to study design review issues or concerns by the public which is driving the architecture in our community. We most likely have need for formalizing such a review annually." CDD Molloy Previsich said the City would most likely not codify such a review but it would be helpful to schedule those reviews periodically. CDD Molloy Previsich advised that will be included in the CDD work plan relating to Planning Commission updates and reviews. ***Commissioner Mueller observed that there was concern for eliminating that reference as the content or direction being given by the Design Review Handbook as staff or citizens use the Handbook for projects.***

Commissioner Acevedo advised he had completed a cursory review of the General Plan, and believed that the Committee for the General Plan had specially wanted the ARB. He asked CDD Molloy Previsich to check with Planning staff regarding the matter.

Commissioner Moniz asked what the average attendance was at ARB meetings? {few attendees}. Discussion ensued which disclosed that any meetings for staff and appellants would be 'pretty low key' as attendance could be anticipated to be light. CDD staff will most likely take minutes for those meetings, which will be permanent records.

Commissioner Moniz asked about the notification radius: owners within 300 feet [New recommended language is required by Government Code; staff is recommending local permits not state law / effects of state law, but local permitting.]

Chair Koepp-Baker opened, and then closed, the public hearing as there were none in attendance to speak to the matter.

CDD Molloy Previsich advised that the CDD staff recommendation (not a Resolution as such is not required) to City Council to approve and adopt amendments to Design Review

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Zoning Chapter 18.74 and to Chapter 2.56 and other Sections of the City of Morgan Hill Municipal Code in order to cease the Architectural Review Board.

COMMISSIONERS MUELLER/ ESCOBAR MOTIONED TO FORWARD THE CHANGES AS REPRESENTED (AMENDMENTS TO DESIGN REVIEW ZONING CHAPTER 18.74 AND TO CHAPTER 2.56 AND OTHER SECTIONS OF THE CITY OF MORGAN HILL MUNICIPAL CODE IN ORDER TO CEASE THE ARCHITECTURAL REVIEW BOARD) WITH AN AMENDMENT TO THE PRESENTED REPORT: EXTENSIONS FOR CURRENT ARB APPROVALS TO SEPTEMBER 30, 2010, TOGETHER WITH MINOR LANGUAGE CHANGES AS NOTED DURING DISCUSSION OF THE AMENDED CHAPTERS, WHICH HAD BEEN DISTRIBUTED DURING THE PLANNING COMMISSION MEETING. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

5) FINDING OF GENERAL PLAN CONSISTENCY FOR DRAFT FY2009/10 – 2013/14 CIP

The Planning Commission is requested to review the draft Five-Year Capital Improvements Program (CIP) for consistency with the Adopted 2001 General Plan.

DPWD Bjarke, SCE Behzad, and Julie Spears (who works with City Parkland issues) were present to provide information of the } DPWD) Bjarke, Senior Civil Engineer (SCE) Behzad {draft} CIP in the categories of:

- ♦ Parks
- ♦ Public facilities
- ♦ Sanitary sewer
- ♦ Storm drainage
- ♦ Streets
- ♦ Water

Each of the categories was discussed in detail, with questions being addressed by the City staff indicated.

Commissioners discussed with staff:

- ° spending plan approved by the City Council
- ° City assets become maintenance responsibilities
- ° identification of new projects from last year
- ° concerns of park land purchase and enhancement of parks
- ° targeting of service provision at neighborhood parks <Commissioner Mueller> “In past, 5 acres geared toward passive parks; appears to be concentration on larger parks.”
- ° Southeast quadrant referenced to Park Master Plan in 2001
- ° School decision-making re: property for parks adjacent to school
- ° <Ms. Spears> 25 acres doable for this CIP
- ° appears City now has prime opportunity to purchase parkland at cost can afford; investigation and purchase efforts will continue
- ° considerable discussion of PL 566 (City will partner with Santa Clara County Water District to move design forward on PL 566; design will be by Corps)

When DPWD Bjarke discussed the plan for removing turf and putting in low landscaping at the Community Center, dissention arose. DPWD Bjarke explained that the intent was

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to reduce watering costs. It was pointed out by the Commissioners that the grass area provided a communal meeting place. Several items relating to the matter were discussed, including: synthetic grass and reclaimed water possible for irrigation.

The potential for obtaining Federal stimulus money for various projects, including street arterials rehabilitation was discussed.

Efforts to have more parking downtown, and including a safe, lighted path for pedestrians at all times was agreed.

The potential for Santa Teresa having two, rather than four, lanes was indicated.

Also discussed were the following issues:

- SB 375 (Greenhouse gas reduction requirements) ~~ in relation to City circulation elements, and how to accommodate pedestrians.
- types of funding, e.g., ADA, and when it generally becomes available
- RDCS requirements, i.e., safe walking route to school (currently map drafts being done and will be completed with impact fee monies)
[Commissioners said this should be high priority – SCE Creer will be at the next meeting to address those commitments]

It was noted that more City wells are needed.

Chair Koepp-Baker opened, and then closed, the public hearing as there were no persons present to address the matter.

Commissioners addressed the following concerns:

Acevedo whether Open Space included in Park Lands (10% is included)

Mueller *third fire station* missing from current CIP; had been included for years

As in the past, this issue generated considerable discussion.

DPWD Bjarke said: City is looking at options for fire service provision and detailed what City Council might be considering, including monies for staffing. “There are means to build the station but not provide staffing,” he said.

Chair Koepp-Baker spoke to having ‘capital costs in hand’. “However,” she said, “to me it seems remiss to citizens that the City is not providing adequate protection. We are able to cover the City as one company covers for another. But the concern remains: what happens if coverage is not available. For four years the CIP has said we need to have another fire station. IN this process, the City is looking at being able to provide protection for citizens.”

Commissioner Mueller spoke to the Fire Master Plan (part of the General Plan), which he reminded calls for a third fire station. “Now it appears the City is planning to build many buildings in downtown without addressing that need,” he said. “If it is not part of the CIP, how to aid citizens is not addressed.”

Chair Koepp-Baker said, “It has been in the CIP previously, but now is not, and that is the concern.”

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Commissioner Tanda reminded that the CIP is a five year plan, and the General Plan runs for 10-15 years.

Commissioner Lyle said, "The current General Plan is in the tenth year, but we have not done another fire station. The problem is that the City Council is doing due diligence, and hopefully achieving some savings, but not solving the problem. We still need the third station geographically."

Commissioner Mueller provided examples of concerns relating to recent issues with fire safety. "I am uncomfortable with not including the third station in this plan," he said. "My concern is that this CIP goes out another five years without including a third fire station."

Commissioner Tanda signaled intention to introduce a motion for approving the CIP as presented, with a notation: inclusion of a third fire station, including capital and operating expenses.

Discussion continued with Commissioners noting the following needs for the CIP:

- add fire station to CIP; focus on need for Downtown
- address neighborhood parks (not sufficient as presented; CIP really 'works' for one year only)
- major circulation study underway; should be including in CIP
- potential for future review of upcoming CIPs with the fire station included

Commissioner Escobar asked, "How valid is the goal if we want to build a fire station with no plan for staffing? Unless there is money to operate, what will happen? I am not opposed to retuning fire station to the CIP, but at best it seems only symbolic. It doesn't make sense - even if the demand is great - to build something the City can't operate. We need to be saying to the City Council: look at our resources and also look at how we can staff the facility."

Commissioner Lyle spoke to the need for consistency with the General Plan.

Commissioner Mueller urged keeping the third fire station in the CIP. "I think we are putting the City at risk with leaving it out, and that is a problem."

COMMISSIONERS TANDA/ACEVEDO MOTIONED TO RECOMMEND THE PRESENTED CIP FOR FY 2010-2014, WITH THE FINDING THAT THE CIP PROVIDES CONSISTENCY WITH THE GENERAL PLAN, TOGETHER WITH THE INCLUSION OF THE FOLLOWING:

- a third fire station for the City, including capital expenditure and staffing
- park purchase emphasizing neighborhood parks – which the public had been encouraged to support; not relying on placement of passive parks

THE MOTION PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Escobar advised, "It would be nice to have a list of projects dropped from

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the CIP, and why that occurred.”

6) RDCS QUARTERLY REPORT

Quarterly review of the progress of residential projects that have been awarded building allocations under the City’s Residential Development Control System.

PM Rowe gave the staff report. “Since the last quarterly, there have been no permits issued for new construction starts,” PM Rowe said. Then referencing the report, he said, “Many of the projects are behind. Some are being considered for extensions following the May 19 special election. Population estimates will be updated and adjustments made.”

Commissioner Mueller advised he has more recent charts from the real estate community indicating trends (City specific), which he will forward to PM Rowe.

Chair Koepp-Baker opened, and then closed the public hearing was there were none present to address the matter.

Commissioner Mueller asked, “Before this is sent to the City Council, will staff update the population numbers? [Yes] Commissioner Mueller also asked that the affordability levels for 2008 be made current; PM Rowe will re-check and correct as warranted.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE RDCS QUARTERLY REPORT AS PRESENTED, WITH CORRECTIONS BY STAFF AS WARRANTED AND FORWARD SAID REPORT TO THE CITY COUNCIL. THE MOTION PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

7) MULTI- FAMILY VACANCY RATE REPORT

Biannual review of apartment vacancy rate as required in accordance to the Morgan Hill Municipal Code, Chapter 17.36.

PM Rowe presented the staff report, announcing the vacancy rate was 2.5%.

Commissioner Lyle questioned why the low end of rents for 1 to 3 bedroom units had increased by approximately 50%? PM Rowe was directed to re-check the numbers for accuracy.

Having agreed on the matter of revising Terracina numbers, **COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO ACCEPT THE MULTI-FAMILY VACANCY RATE REPORT AND HAVE IT FORWARDED TO THE CITY COUNCIL. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

8) PLANNING COMMISSION’S PARTICIPATION IN THE CARBON DIET CLUB

Presentation and discussion on forming a Carbon Diet Club and potential meeting dates.

PM Rowe gave the staff report, and advising this item was agendaized at the request of Commissioner Tanda following communication from Mayor Tate. PM Rowe gave an overview of how the program would work. He also advised that if the Carbon Reduction Club was to be a program for the Planning Commission, the Brown Act would need to be

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followed; therefore, staff suggested having meetings in conjunction with regular Commission meetings.

The Commissioners discussed time frames, goal, seating of new Commissioners, upcoming issues, and best time to begin the Club.

Commissioner Mueller said it might be worthwhile to work with Environmental Programs and devote discussion to help families to reduce carbon emissions. "If we discuss it once every six months, using that opportunity as an educational forum to push carbon reduction for public and move the goals of the carbon diet along, it would be a good way to give the public some education," Commissioner Mueller said. He went on to point out the value to students who attend the meetings, and said it would be a worthwhile use of time during the meetings.

Commissioner Tanda commented, "Three meetings in a row would be good to promote the Mayor's Carbon Diet Club, and that would be a most efficient way of using 20-30 minutes for education."

CDD Molloy Previsich volunteered to talk to Environmental Programs personnel to help set goals for accomplishing the objective.

ALL COMMISSIONERS PRESENT EXPRESSED SUPPORT FOR THE MEMBERSHIP IN THE CARBON REDUCTION CLUB, WHICH WILL HAVE THE FIRST MEETING SCHEDULED FOR MAY, 2009.

ANNOUNCEMENTS/ COMMISSIONER IDENTIFIED ISSUES

CDD staff has set scheduling for Planning Commission work on the Downtown Specific Plan beginning at the May 12 meeting. Additionally, there will be a Community Workshop on the Downtown Plan implementation activities; that workshop is set for April 30 at the Community Center. The Transportation Study Environmental Assessment will be presented in June, with significant policy decision discussion for the Planning Commission.

Commissioner Tanda asked if the City plans efforts to educate the public regarding the May 19 election? CDD Molloy Previsich said such outreach would be included in the April 30 meeting.

CITY COUNCIL REPORTS

None

ADJOURNMENT

With no further business to be completed, Chair Koepp-Baker adjourned the meeting at 10:48 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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